DOCUMENT RESUME

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TITLE	H.R. 998: A Bill to Provide That Local Educational Agencies Shall Not Receive Federal Financial Assistance Unless They Provide Educational Services to All Handicapped Children at Levels of Expenditure at Least Equal to Expenditures for Other Children.
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IDENTIFIERS	*H R 998 (95th Cong 1st Sess)

ABSTRACT

Presented is the text of H.R. 998, an ammendment to the Education of the Handicapped Act. The bill focuses on provision of appropriate educational services to handicapped children and civil action for withholding of federal financial assistance. (SBH)

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95TH CONGRESS
1ST SESSION

H. R. 998

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1977

Mr. MURPHY of New York introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To provide that local educational agencies shall not receive Federal financial assistance unless they provide educational services to all handicapped children at levels of expenditure at least equal to expenditures for other children.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Education of the Handicapped Act is amended by adding at the end thereof a new part H as follows:

"PART H—EDUCATIONAL SERVICES FOR HANDICAPPED CHILDREN

"PROVISION OF APPROPRIATE EDUCATIONAL SERVICES TO HANDICAPPED CHILDREN

"SEC. 671. (a) Federal financial assistance which the Commissioner is otherwise authorized to extend to a local

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educational agency by way of grant, loan, or contract, other than a contract of insurance or guarantee, shall not be granted or continued to any local educational agency which does not provide educational services to handicapped children within its jurisdiction.

"(b) For purposes of this section, the term 'educational services to handicapped children' means such services as are provided by a local educational agency, either directly through public elementary or secondary schools, or indirectly through programs in cooperation with a State educational agency or other State agency, with one or more other local educational agencies, or with private institutions, which are appropriate to the educational needs of handicapped children, at levels of expenditure at least equal to such agency's expenditures for other children in public elementary or secondary schools within its jurisdiction, as determined by the head of the bureau for the education and training of the handicapped established under section 603.

"CIVIL ACTION FOR WITHHOLDING OF FEDERAL FINANCIAL ASSISTANCE

"SEC. 672. (a) A parent (including any person standing in loco parentis) of a handicapped child within the jurisdiction of a local educational agency receiving Federal financial assistance in violation of section 671 (a) may institute a civil action in an appropriate district court of the United

States against such parties as may be appropriate. If the court finds that such agency is receiving Federal financial assistance in violation of such section, the court shall order the Commissioner to refrain from granting or continuing such assistance until such time as such assistance will no longer constitute a violation of such section. The court may, in its discretion, stay the taking effect of such order for no more than one year from the date of such findings, if the court finds that such agency is making a determined effort to provide educational services to handicapped children, as defined in section 671 (b).

"(b) Each district court of the United States shall have jurisdiction of actions brought under subsection (a).

"(c) In any civil action instituted under subsection (a), the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorneys' fee as part of the costs, and the United States shall be liable for costs to the same extent as a private person."

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H. R. 998

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By Mr. MURPHY of New York

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